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10 Attorneys for SUN MICROSYSTEMS, INC.,
11 MORGAN, LEWIS & BOCKIUS LLP, AND MAKING
12 A SPECIAL APPEARANCE FOR JEFFREY
13 KINGSTON, WHO HAS NOT BEEN SERVED AND IS
14 NOT WAIVING SERVICE
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16 UNITED STATES DISTRICT COURT
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18 NORTHERN DISTRICT OF CALIFORNIA
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20 SAN JOSE DIVISION
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22 In re Application of Microsoft Corp.
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Case No. 06-80038 JF (PVT)

**SUN MICROSYSTEMS, INC, MORGAN,
LEWIS & BOCKIUS LLP, AND JEFFREY
KINGSTON'S, BY SPECIAL
APPEARANCE, NOTICE OF MOTION
AND MOTION TO QUASH SUBPOENA
DUCES TECUM FOR PERSONAL
APPEARANCE AND PRODUCTION OF
DOCUMENTS AND THINGS**

Date: To Be Set
Time To Be Set
Before: Magistrate Patricia V. Trumbull
Place: Courtroom 5, Fourth Floor

Complaint Filed: N/A
Trial Date: N/A

1-SF/7350901.1

NOTICE OF MOTION AND MOTION TO QUASH MICROSOFT'S SUBPOENA DUCES TECUM
Case No. 06-80038 JF (PVT)

1 TO ALL PARTIES AND THEIR COUNSEL:

2 YOU ARE HEREBY NOTIFIED THAT Sun Microsystems, Inc., Morgan, Lewis &
3 Bockius, LLP and Jeffrey Kingston, who has not yet been served, hereby move this court for an
4 order quashing Microsoft's Subpoenas for Personal Appearance and Production of Documents
5 and Things pursuant to 28 U.S.C. § 1782 and Rule 26 of the Federal Rules of Civil Procedure.
6 This motion for an order quashing the subpoenas is based on this notice of motion and motion,
7 memorandum of points and authorities, Declaration of Jeffrey S. Kingston, Declaration of James
8 N. Penrod, Proposed Order filed herewith, the pleadings and records on file in this action,
9 including the objections filed on March 13, 2006, and upon other such matters as this Court may
10 or must judicially notice.

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12 Dated: March 15, 2006

MORGAN, LEWIS & BOCKIUS LLP

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14 By 

15 James N. Penrod
16 Attorneys for SUN MICROSYSTEMS,
17 INC., MORGAN, LEWIS & BOCKIUS
18 LLP AND, BY SPECIAL
19 APPEARANCE, FOR JEFFREY
20 KINGSTON WHO HAS NOT BEEN
21 SERVED
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